

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII

901 NORTH 5TH STREET

KANSAS CITY, KANSAS 66101

BEFORE THE ADMINISTRATOR

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ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

IN THE MATTER OF

Thyssenkrupp Stahl Company
f/k/a Stahl Specialty Company

Respondent

)
)
) Docket No. CWA-07-2003-0133
)
)

CONSENT AGREEMENT AND FINAL ORDER

The above captioned proceeding for the assessment of civil penalties was initiated pursuant to Section 309(g) of the Federal Water Pollution Control Act, commonly referred to as the Clean Water Act (hereafter "CWA"), 33 U.S.C. § 1319(g), when the United States Environmental Protection Agency (hereafter "Complainant" or "EPA") issued to Thyssenkrupp Stahl Company, (hereafter "Respondent"), a Complaint and Notice of Opportunity for Hearing on April 23, 2003.

The Complaint charged Respondent with violations of Section 307 of the CWA, 33 U.S.C. § 1317, and regulations promulgated thereunder. The Complaint proposed a total civil penalty of Forty-Five Thousand Dollars (\$45,000) for these violations.

Complainant and Respondent entered into negotiations in an attempt to settle the allegations contained in the Complaint; this Consent Agreement and Final Order are the result of such negotiations.

CONSENT AGREEMENT

1. Respondent admits the jurisdictional allegations of the Complaint.

2. Respondent neither admits nor denies the factual allegations set forth in the Complaint.

3. This Consent Agreement and Final Order resolves pretreatment monitoring and reporting violations as alleged in the Complaint under Section 307 of the CWA, 33 U.S.C. § 1317, and General Pretreatment Regulations at 40 CFR § 403.12(e).

4. Respondent waives its right to a judicial or administrative hearing on any issue of fact or law set forth in the Complaint and waives its right to appeal the Final Order accompanying this Consent Agreement.

5. Respondent and Complainant agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorneys' fees.

6. Respondent consents to the issuance of the Order hereinafter recited and consents to the payment of the civil penalty as set forth in the Final Order.

7. Each signatory to this Agreement certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Agreement and Final Order.

FINAL ORDER

Pursuant to Section 309(g) of the CWA, 33 U.S.C. § 1319(g), and based upon information contained in this Consent Agreement, IT IS HEREBY ORDERED THAT:

1. Respondent shall pay a civil penalty of Eighteen Thousand Dollars (\$18,000) within thirty (30) days of the effective date of this Final Order. Payment shall be by cashier's or certified

check, made payable to "Treasurer, United States of America," and referencing EPA Docket No. CWA-7-2003-0133, and remitted to:

EPA - Region VII
Attn.: Regional Hearing Clerk
c/o Mellon Bank
P.O. Box 360748M
Pittsburgh, Pennsylvania 15251

A copy of the check shall be mailed to:

Patricia Gillispie Miller
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency
901 North 5th Street
Kansas City, Kansas 66101

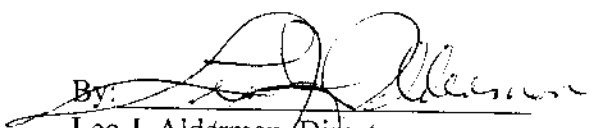
2. Respondent's failure to pay any portion of the civil penalty assessed herein in accordance with the provisions of this Order shall result in commencement of a civil action in Federal District Court to recover the total penalty proposed in the Complaint, together with interest thereon at the applicable statutory rate.


3. Respondent and Complainant shall pay their own costs and attorneys' fees incurred as a result of this action.

4. This Order shall be entered and become effective only after the conclusion of the period of public notice and comment required pursuant to Section 309(g)(4) of the CWA, 33 U.S.C. § 1319(g)(4), and 40 C.F.R. § 22.45.

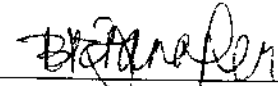
5. This executed Consent Agreement and Consent Order shall be filed with the Regional Hearing Clerk, U.S. Environmental Protection Agency, 901 North 5th Street, Kansas City, Kansas 66101.

COMPLAINANT:
UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY

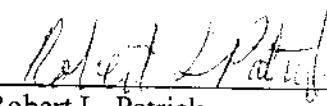
By: 
Leo J. Alderman, Director
Water, Wetlands, and Pesticides Division
Date: 11/5/03

By: 
Patricia Gillispie Miller
Senior Assistant Regional Counsel
Date: 10/28/03

RESPONDENT:
THYSSENKURPP STAHL COMPANY

By: 
Name: B. R. DANAN
Title: President
Date: 16 Oct 03

IT IS SO ORDERED. This Order shall become effective immediately.


Robert L. Patrick
Regional Judicial Officer
Date: November 7, 2003

IN THE MATTER OF Thyssenkrupp Stahl Company f/k/a Stahl Specialty Company ,
Respondent
Docket No. CWA-07-2003-0133

CERTIFICATE OF SERVICE

I certify that the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:

Copy hand delivered to
Attorney for Complainant:

Patricia Gillispie Miller
Senior Assistant Regional Counsel
Region VII
United States Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

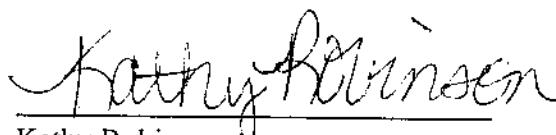
Copy by U.S. Certified Mail,
Return Receipt Requested, to:

Brian Danaher, President
Thyssenkrupp Stahl Company
111 East Pacific
P.O. Box 6
Kingsville, Missouri 64061-0006

Thomas P. McElligott
Quarles & Brandy, LLP
411 East Wisconsin Avenue, Suite 2040
Milwaukee, Wisconsin 53202-4497

Scott B. Totten
Water Protection and Soil Conservation Division
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, Missouri 65102

Dated: 11/7/03


Kathy Robinson
Regional Hearing Clerk